

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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4 Inventorship Shen
5 Assignee Microsoft Corporation
6 Group Art Unit2613
7 Examiner LE, VU
8 Attorney's Docket No. MS1-1806US
9 Title: COLOR SPACE CODING FRAMEWORK

6 **PRE-APPEAL BRIEF REQUEST FOR REVIEW**

8 To: Mail Stop AF
9 Commissioner for Patents
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14 **REMARKS**

15 The Pre-Appeal Panel (hereinafter "Panel") is respectfully requested to consider
16 this Request, which is submitted in accordance with the Pre-Appeal Brief Conference
17 Program rules. A summary of the rejected claims rejected is provided in the Office
18 Action dated October 18, 2005, on pages 2 and 6 thereof. The Panel is requested to
19 reconsider the rejections of record in view of the following remarks.

20 **Rejection of Claims 1, 11, 19, 26 and 30**

21 Independent Claim 1 includes the subject matter: "wherein the enhanced
22 information stream is selectively encoded using spatial information obtained from
23 processing of the base information stream or using a previous reference obtained during
24 processing of the enhanced information stream." Independent Claims 11, 19, and 30
25

1 include similar subject matter as well. Independent Claim 26 includes the subject matter:
2 “wherein the enhanced decoder selectively decodes the enhanced information stream
3 using spatial information obtained from processing of the base information stream or
4 using a previous reference obtained during processing of the enhanced information
5 stream.”

6 On page 3 of the October 18, 2005 Office Action, the Office asserts column 8,
7 lines 54-64 and column 23, lines 23-35 teach the indicated subject matter of the
8 independent claims. Applicant disputes the Office’s assertions for the following reasons.

9 The Office asserts Tahara (U.S. Patent No. 5,412,428) teaches an enhanced
10 information stream that is selectively encoded using spatial information obtained from
11 processing of a base information stream, or using a previous reference obtained during
12 processing of the enhanced information stream. To substantiate this assertion, the Office
13 maintains that a data stream of a circuit 101 is selectively encoded by way of a select
14 circuit 176. According to the Office, the select circuit 176 selects a predictive error from
15 a data stream produced by a circuit 100, or a predictive error from “a previous reference
16 of 101.” Regarding the quoted text, the Applicant is not entirely sure what the Office is
17 trying to convey. The Applicant assumes the Office is asserting that the select circuit 176
18 is capable of selecting a predictive error that is generated by a circuit 101. The Office
19 was requested to clarify the quoted text, but the Office has not responded to the
20 Applicant’s request. The preceding discussion is a summary of the Office’s assertions
21 found on page 3, second full paragraph, of the current Office Action.

22 The Applicant will now describe how the instant claimed invention differs from
23 the Tahara encoding and decoding methods. The circuit 101 is for processing color
24 difference signals with intermediate definition, where the circuit 100 is for processing
25 color difference signals with the lowest definition. (See column 22, lines 48-53.) The

1 Office is equating the intermediate definition signals to the “enhanced information
2 stream” of the claims, and the lowest definition signals with the “base information
3 stream” of the claims. According to the Tahara description at *column 23, lines 23-35*, the
4 select circuit 176 chooses between predictive error signals produced from an up sampling
5 circuit 111 and predictive error signals produced from a motion compensating circuit
6 175. The circuit 101, which processes the intermediate definition signals, includes both
7 the up sampling circuit 111 and the compensating circuit 175. (See Fig. 19).

8 The up sampling circuit 111 and the motion compensation circuit 175 produce the
9 mentioned predictive error signals from the color difference signals that have
10 intermediate definition. This is described in the Tahara patent at *column 23, lines 1-5*.
11 The color difference signals with the lowest definition, which the Office suggests are
12 similar to the base information stream of the claims, are not used to produce the
13 predictive error signals from the circuit 101. Tahara confirms this fact by stating that the
14 operation of the circuit 100 is not discussed in conjunction with the circuit 101. (See
15 column 22, lines 63-65.) Recall, the circuit 100 processes the color difference signals
16 with the lowest definition, which the Office is likened to the “base information stream” of
17 the rejected claims. (See column 22, lines 51-53.)

18 The above shows that the Office’s reasoning for finding claims 1, 11, 19, 26 and
19 30 unpatentable lacks merit. In particular, Tahara is unable to teach the recitation “the
20 *enhanced information stream* is selectively encoded using spatial information obtained
21 from the processing the *base information stream*” (claims 1, 11, 19, and 30; emphasis
22 added), or the recitation “the enhanced decoder selectively decodes the *enhanced*
23 *information stream* using spatial information obtained from processing of the *base*
24 *information stream*” (claim 26; emphasis added). The predictive error signals produced
25 from the up sampling circuit 111 and the predictive error signals produced from a motion

1 compensating circuit 175 are not produced using signals from the circuit 100 (i.e., the
2 circuit that processes the signals with the lowest definition); only signals from the circuit
3 101 (i.e., the circuit that processes the signals with the intermediate definition) are used to
4 produce the predictive error signals generated by the circuits 111 and 175. Therefore,
5 signals with the lowest definition are not used to produce the predictive error signals that
6 may be used to encode the signals with the intermediate definition.

7 Regarding the claim recitation that teaches encoding the enhanced information
8 stream “using a previous reference obtained during processing of the enhanced
9 information stream” (claims 1, 11, 19, and 30), and the recitation that teaches an
10 enhanced decoder that selectively decodes “using a previous reference obtained during
11 processing of the enhanced information stream” (claim 26), Applicant respectfully
12 submits that the Tahara is deficient in connection with these limitations as well.

13 Specifically, Tahara describes that the select circuit 176 compares predictive error
14 signals output from the up sampling circuit 111 to predictive error signals output from the
15 motion compensation circuit 175. (See column 23, lines 24-28.) These predictive error
16 signals are generated based on *current* processing of signals with intermediate definition;
17 using a *previous* reference from the processing of signals with intermediate definition is
18 not disclosed by Tahara. The smaller predictive error signals are chosen based on the
19 comparison by the select circuit 176. (See column 23, lines 28-29.) The chosen smaller
20 predictive error signals are used for encoding and decoding the intermediate definition
21 signals. This disclosure may not be construed as teaching encoding/decoding the
22 enhanced information stream “using a previous reference obtained during processing of
23 the enhanced information stream.”

24 Therefore, the Panel is respectfully requested to reconsider and withdraw the
25 rejection of claims 1, 11, 19, 26 and 30 under § 102.

1 **Rejection of Claim 4 and 14**

2 The Office maintains column 23, lines 50-60 teach the subject matter of claim 4.
3 Applicant disagrees for the following reasons. The claims recite "encoding the base
4 information stream into a base encoded bit stream, encoding the enhanced information
5 stream into an enhanced encoded bit stream, and combining the base encoded bit stream
6 and the enhanced encoded bit stream into an output bit stream." The disclosure relied
7 upon by the Office describes using a select circuit 176 to select any one of the predictive
8 picture signals output from circuits 111 and 175; the selected signal is flagged. The
9 signal is then "composed" with data output from circuit 100 and 101. However, nothing
10 in Tahara indicates that the signals composed underwent any form of encoding before the
11 "composed" process occurred. Therefore, the Panel is respectfully requested to reconsider
12 and withdraw the rejection of claims 4 and 14 under § 102.

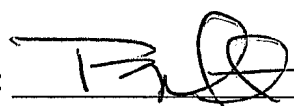
13 The remaining claims are at least allowable due to their dependence on an
14 allowable independent claim.

15 **Conclusion**

16 Claims 1, 4-19, 21-26 and 28-34 are in condition for allowance. Applicant
17 respectfully requests reconsideration and prompt allowance of the subject application.

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Respectfully Submitted,

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